

Before the  
Federal Communications Commission  
Washington, D.C. 20554

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In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	
Table of Allotments,	)	MM Docket No. 00-31
FM Broadcast Stations.	)	RM-9815
(Nogales, Vail and Patagonia, Arizona)	)	RM-10014
	)	RM-10095
	)	

**MEMORANDUM OPINION AND ORDER**  
(Proceeding Terminated)

Adopted: October 9, 2002

Released: October 18, 2002

By the Assistant Chief, Audio Division:

1. The Audio Division has before it a Request to Withdraw Expression of Interest and a Contingent Request to Withdraw and Dismiss Application for Review filed by Big Broadcast of Arizona, LLC ("Big Broadcast"). Both pleadings pertain to an Application for Review tiled by Big Broadcast directed to the **Report and Order** in this proceeding.<sup>1</sup> For the reasons discussed below, we dismiss the Application for Review.

2. At the request of Desert West Air Ranchers Corporation, licensee of Station KZNO, Channel 252A, Nogales, Arizona, the **Report and Order** substituted Channel 253A for Channel 252A at Nogales, Arizona, reallocated Channel 253A to Vail, Arizona, and modified the Station KZNO license to specify operation on Channel 253A at Vail. In addition, the **Report and Order** allotted Channel 283A to Vail, Arizona, and Channel 251A to Patagonia, Arizona. In its Request to Withdraw Expression of Interest, Big Broadcast withdraws its expression of interest in applying for the Channel 283A allotment at Vail. This request complies with Section 1.420(j) of the Commission's Rules with respect to limiting reimbursement to only legitimate and prudent expenses in exchange for this dismissal. In this regard, Big Broadcasting has included a copy of the agreement, and affidavits itemizing its engineering and legal expenses incurred in participating and pursuing its counterproposal in this proceeding.

3. The Contingent Request to Withdraw and Dismiss Application for Review was contingent upon our determination that the reimbursement to Big Broadcasting was in accordance with Section 1.420(j) of the Rules. In view of our determination regarding reimbursement matter, we will dismiss the Application for Review.

4. Accordingly, IT IS ORDERED, That the aforementioned Application for Review filed by Big Broadcast of Arizona, LLC, IS DISMISSED.

5. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED

<sup>1</sup> 16 FCC Rcd 20515 (MM Bur. 2001)

6. For further information concerning **this** proceeding, contact Robert Hayne, Media Bureau. (202)418-2177.

FEDERAL COMMUNICATIONS COMMISSUION

John A. Karousos  
Assistant Chief, Audio Division  
Media Bureau